

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

CHARLESTON AREA MEDICAL CENTER, INC.,

Plaintiff,

v.

Civil Action No. 22-C-359

Presiding: Judge Shawn D. Nines

Resolution: Judge Mary Claire Akers

WEST VIRGINIA UNITED HEALTH
SYSTEM, INC., et al.,

Defendants.

AMENDED ORDER VACATING
DISCOVERY COMMISSIONER'S FIRST RECOMMENDED DECISION
AND RELATED FILINGS

On July 22, 2024, the parties filed a *Joint Motion for Amended Order Vacating Discovery Commissioner's First Recommended Decision and Related Filings*, ("Joint Motion"), asking this Court to Amend its April 26, 2024 Order vacating the *First Recommended Decision of Discovery Commissioner* and all related filings from the docket of this civil action. For good cause shown, the Court **GRANTS** the parties' Joint Motion

As outlined in this Court's prior Order, dated April 26, 2024, the *First Recommended Decision of Discovery Commissioner*, entered on November 27, 2023, has been **VACATED**. The Court again hereby **VACATES** and **STRIKES** from the record, the following filings related to the *First Recommended Decision of Discovery Commissioner*:


1. *Plaintiff Charleston Area Medical Center, Inc.'s Motion For Sanctions and For Order to Show Cause Why WVU Health Should Not Be Held In Contempt*, filed on August 15, 2023, Civil Act. No. 22-C-359, Docket No. 360.

2. *West Virginia United Health System's Response to Plaintiff's Motion for Sanctions and Order to Show Cause*, filed on September 12, 2023, Civil Act. No. 22-C-359, Docket No. 399.
3. *Reply in Support of Motion for Sanctions and for WVU Health to Be Held in Contempt*, filed on September 26, 2023, Civil Act. No. 22-C-359, Docket No. 409.
4. *First Recommended Decision of Discovery Commissioner*, filed on November 29, 2023, Civil Act. No. 22-C-359, Docket No. 460.
5. *Motion to Exceed Page Limit*, and all exhibits and attachments thereto, filed on December 12, 2023, Civil Act. No. 22-C-359, Docket No. 480.¹

The Clerk is hereby **DIRECTED** to **VACATE** and **REMOVE** these filings from the docket within **five (5) business days** of this Order's entry. These filings should no longer be publicly available to anyone. Moreover, as the Court previously ordered these filings stricken and vacated from the docket, the titles of these filings should also not appear on the docket. The Clerk is also **DIRECTED** to make all reasonable efforts to ensure any electronic copies of the docket do not contain reference to these vacated filings.² **IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to all counsel of record.

ENTER: this 29th day of July, 2024.


Honorable Shawn D. Nines
Nineteenth Judicial Circuit

¹ Exhibit A to the *Motion to Exceed Page Limit* is Defendant *West Virginia United Health System, Inc.*'s *Objection to the First Recommended Decision of Discovery Commissioner*.

² These pleadings should not be identifiable, available or accessible to the public to use for any reason in the future.

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